

ESTTA Tracking number: **ESTTA727525**

Filing date: **02/17/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91218442
Party	Defendant Veam Inc.
Correspondence Address	EMIL CHANG VENTURE PACIFIC LAW PC 5201 GREAT AMERICA PKWY, SUITE 270 SANTA CLARA, CA 95054-1126 UNITED STATES uspto@vpaclaw.com, quon@vpaclaw.com
Submission	Motion to Amend Application
Filer's Name	Quon Hom
Filer's e-mail	quon@vpaclaw.com
Signature	/Quon Hom/
Date	02/17/2016
Attachments	Veam-TM01_MTA_vF.pdf(12795 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

VEEAM SOFTWARE AG,  Opposer,  v.  VEAM INC.,  Applicant.	Opposition No. 91218442  Applications S.N. 85/795280
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**CONSENTED MOTION TO AMEND APPLICATION**

Pursuant to 37 C.F.R. § 2.133 and § 514 of the Trademark Board Manual of Procedures, Veam Inc., through its attorneys, hereby respectfully moves the Board to amend the opposed application at issue in the instant case, specifically the identification of goods and services contained therein, with the consent of the Opposer Veeam Software AG. The Opposer and the Applicant have come to a settlement in which the Opposition shall be dismissed on the condition that the instant amendment to the description of goods and services to the application be entered.

As such, Applicant requests the following changes to the Application No. 85/795280 in trademark class 009 to reflect the following amendments (proposed new language is underlined and proposed language for deletion is stricken though):

International Class 009: ~~Computer application software for mobile phones, portable media players, handheld computers, laptops, and desktops, namely, software for publishing multimedia content; Computer Mobile software applications for processing publishing multimedia content, namely, digital music, images, and video files, excluding computer software for data back-up, data protection, data replication, disaster recovery, and related computer, cloud, and network monitoring services; and Computer software for computer system and application development, deployment and management for distributing and publishing multimedia content, excluding computer software for data~~

back-up, data protection, data replication, disaster recovery, and related computer, cloud, and network monitoring services.

Such that the identification of goods be amended to state as follows:

International Class 009: Mobile software applications for others for publishing multimedia content, namely, digital music, images, and video files, excluding computer software for data back-up, data protection, data replication, disaster recovery, and related computer, cloud, and network monitoring services; and computer software for development, deployment and management, excluding computer software for data back-up, data protection, data replication, disaster recovery, and related computer, cloud, and network monitoring services.

Applicant also requests the following changes to Application No. 85/795280 in trademark class 42 to reflect the following amendments (proposed new language is underlined and proposed language for deletion is stricken though):

International Class 042: Application service provider (ASP) ~~featuring software for use in publishing multimedia content, namely, managing and developing mobile software applications for others for publishing music, images, video content, fitness-related content, all of the above excluding computer software for data back-up, data protection, data replication, disaster recovery, and related computer, cloud, and network monitoring services.~~

Such that the identification of goods be amended to state:

International Class 042: Application service provider (ASP), namely, managing and developing mobile software applications for others for publishing music, images, video content, fitness-related content, all of the above excluding computer software for data back-up, data protection, data replication, disaster recovery, and related computer, cloud, and network monitoring services.

As grounds for this consented motion, Applicant states that the above proposed amendments accurately convey the goods and services that Applicant offers in conjunction with the mark VEAM, which is the subject of the application at issue in this matter. Moreover, and in compliance with to 37 C.F.R. § 2.71(a), the proposed amendments serve to clarify and limit but in no way broaden the identification of goods and services.

WHEREFORE, Applicant requests the Board to amend the opposed application in the manner described above.

Respectfully submitted,

Dated: February 17, 2016

By: /Quon Hom/  
Quon Hom  
Emil Chang  
quon@vpaclaw.com  
emil@vpaclaw.com  
Venture Pacific Law, PC  
5201 Great America Parkway  
Suite 270  
Santa Clara, CA 95054  
Telephone: 408.988.9898 x115  
Facsimile: 877.256.3711

Attorneys for Applicant Veam Inc.

**CERTIFICATE OF SERVICE**

I declare that:

I am employed in the County of Santa Clara, California. I am over the age of eighteen years and not a party to the within cause; my business address is 5201 Great America Parkway, Suite 270, Santa Clara, CA 95054. On the date indicated below, I served a true and complete copy of the above-identified CONSENTED MOTION TO AMEND APPLICATION upon Opposer's attorneys of record:

Julie D. Shirk  
Monica Riva Talley  
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Ave. NW  
Washington, DC 20005

via First-Class Mail and e-mail to JSHIRK@skgf.com and MTALLEY@skgf.com.

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/Alice Lin/

Alice Lin

Dated: February 17, 2016